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1981 session

SUMMARY RECORD OF THE 51st MEETING

Held at Headquarters, New York,
on Friday, 20 February 1981, at 10.30 a.m.

Chairman: Mr. GONZALEZ GALVEZ (Mexico)

CONTENTS

Organization of work

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The meeting was called to order at 11 a.m.

ORGANIZATION OF WORK

1. The CHAIRMAN announced that three Member States - Chile, the Libyan Arab Jamahiriya and Peru - had asked to be allowed to participate in the Committee's work as observers. Although no clear practice had been established in that respect, the precedents set by many other committees dealing with legal questions might suggest that there was no reason not to allow observers to attend meetings of the Committee. Since part of the Committee's mandate was to conduct a general review of the manner in which the Organization was functioning and the requests for observer status reflected the interest of the States in question in that aspect of the Committee's work, he suggested that they should be granted observer status, on the understanding that (a) they could attend meetings of the plenary Committee and speak at such meetings, and (b) they could attend meetings of the Working Group without the right to speak. The latter point was important, since most of the Committee's work would be conducted in the Working Group.

2. Mr. ROSENSTOCK (United States of America) said that a clear decision had been taken two years previously not to allow observers to attend meetings of the Committee. More recently, another committee had decided that observers could attend plenary meetings but not meetings of a working group. In his opinion, both precedents were relevant to the situation under consideration. However, in view of the fact that any State Member of the United Nations could attend any open meeting of any United Nations body, perhaps the matter could be settled by recognizing that right and deciding in each particular case whether or not a Member State should be allowed to speak in such meetings.

3. Mr. FEDOROV (Union of Soviet Socialist Republics) drew attention to the delicate balance established for the Committee's work and noted that the practices followed thus far took into account the delicate nature of the questions discussed. He therefore felt that the question of the granting of observer status should be discussed first in the regional groups and then in consultations among the representatives of those groups. He could not recall any instance when observer status had included the right to attend meetings of working groups; that went far beyond the normal status of observers. In 1971, the Special Committee on the Rationalization of the Procedures and Organization of the General Assembly had expressed the view that Member States should be allowed to attend plenary meetings of a committee. Accordingly, there was no need to grant special observer status to any Member State; should a State wish to express its views, the Committee merely had to decide whether or not to allow it to speak.

4. Mr. ELARABY (Egypt) said he fully supported the Chairman's suggestion that observer status, including the right to attend meetings of the Working Group, should be granted. The Working Group was actually a plenary body meeting informally in order to facilitate the Committee's work, and he therefore saw no reason why observers should be prevented from attending its meetings. In other bodies - for example, the Economic and Social Council - observers had the right to

speak at any meeting. Moreover, however delicate the Committee's work might be, everything it discussed was subsequently discussed in the Sixth Committee.

5. Mr. MUSEUX (France) agreed with the United States representative that a precedent existed in the Committee's previous decision not to grant a request for observer status and said that, in his opinion, that practice should be maintained. Moreover, as the representative of Egypt had noted, all Member States could present their views in the Sixth Committee. That was perhaps another reason for maintaining the Special Committee's restricted membership, as distinguished from the larger forum offered by the Sixth Committee. It was important not to allow the Committee to become a virtually open-ended body; its membership had been carefully weighed by the General Assembly. Accordingly, his delegation felt that the Committee should continue to follow its current practice, as had been agreed informally.

6. Mr. DE PAIVA (Brazil) said that he agreed with the representative of Egypt. His delegation did not think that the participation of observers in the Committee's work would be obstructionist; on the contrary, many other ad hoc committees of the General Assembly had granted observer status, and failure to do so would in fact set a precedent for United Nations organs.

7. Mrs. RODRIGUEZ (Venezuela) supported the comments made by the Chairman and by the representatives of Egypt and Brazil.

8. Mr. GÜNEY (Turkey) said that, since all three States had requested observer status because of their interest in the Committee's work, and since there were precedents both for and against the granting of such requests, including permission to attend meetings of working groups, his delegation did not see any reason why the States concerned should not be allowed to participate in the Committee's work, subject to the conditions outlined by the Chairman.

9. Mr. YOUGH (Nigeria) said that, inasmuch as the Committee had been asked to perform a very specific task, it might be dangerous to allow observers to participate in its work. However, the Committee did need the help of all who were interested, and he did not see any obstructionist tendency in the requests for observer status. It might well be in the Committee's interest to allow observers to participate in its work both at plenary meetings and in the Working Group.

10. Mr. HÜCKE (German Democratic Republic) said that it might be useful, first of all, to hold consultations within and between the regional groups. The question of formally granting observer status was a matter of principle for his delegation. The Committee had been established as a real working body, and its members had been appointed in a balanced way and with the consent of their regional groups. Moreover, the Committee worked on the basis of the principle of general agreement. His delegation therefore felt that the granting of observer status would enlarge the number of participants in the Committee's deliberations in an unbalanced manner, thus making it more difficult to obtain the necessary general agreement. Moreover, since only a limited amount of time was available to the Committee, any enlargement of the number of speakers would prevent it from ever finishing its

(Mr. Hücke, German Democratic Republic)

work. Accordingly, his delegation would refer to the right of any Member State to attend the Committee's meetings and to take the floor, if the Committee so decided, or to speak on matters of interest to it in the Sixth Committee.

11. Mr. OUYANG Chuping (China) said that, in his delegation's view, the Committee should welcome the three States that had requested observer status. As some speakers had mentioned, other committees whose work was also related to that of the Sixth Committee allowed observers to attend their meetings. The Special Committee should therefore likewise allow observers to contribute to its work, although the extent of their participation could be decided in each particular situation. Moreover, since the Committee's work would be concentrated in the Working Group, it would be meaningless to grant observer status if the observers were not allowed to attend meetings of the Group. Accordingly, his delegation believed that observers should be allowed to attend meetings of both the Committee and the Working Group with the right to speak.

12. Mr. BROMS (Finland) said it was not quite correct to say that the Committee had set a formal precedent two years previously for excluding observers from its meetings. One delegation had inquired about the possibility of obtaining observer status but had chosen not to press the issue when private approaches to the regional groups had revealed a reluctance on their part to agree, on the ground that that might encourage a spate of other requests to participate in a committee whose membership was, after all, limited. The same delegation had later expressed the desire to make a statement before the Committee, but had been persuaded to reserve its comments for the following session of the General Assembly when it became apparent that at least one of the regional groups, and perhaps several, would have insisted on putting the question to a vote. His delegation had no objection to allowing other delegations to attend the Committee's meetings but feared that, if requests to speak multiplied, the Committee's debates would become unduly protracted.

13. Mr. OLSZOWSKI (Poland) said the precedents indicated that the Committee should be cautious in granting privileges to observers; otherwise, it would run the risk of acting contrary to the decisions of the General Assembly which had given the Committee its mandate. In the circumstances, he believed that time should be allowed for discussions on the question within and between the regional groups, in the hope of reaching a consensus.

14. Mr. FERRARI-BRAVO (Italy) said that his delegation was not in principle opposed to allowing observers to attend meetings of United Nations committees. However, the Special Committee's Working Group was much more in the nature of a small negotiating group than most such bodies, and he feared that the participation of observers might impair the Group's flexibility. Where plenary meetings were concerned, his delegation could agree either to the admission of observers or to the course of action proposed by the United States representative, which it believed would be the better solution for the time being in order to avoid dividing the Committee.

15. The CHAIRMAN suggested that the Committee should allow the regional groups time to consult on the matter before reaching a final decision.

16. It was so decided.

17. Mr. ROSENSTOCK (United States of America) drew attention to General Assembly resolution 35/164, paragraph 10, requesting the Secretary-General to give high priority to the preparation and publication of the supplements to the Repertoire of the Practice of the Security Council and the Repertory of Practice of United Nations Organs in order to bring those publications up to date as quickly as possible. It seemed that there might be grounds for concern about the extent to which the General Assembly's decision could be, had been and would be put into practice. He requested that the Secretariat should report formally to the Committee on what was being done in compliance with the paragraph he had mentioned.

18. Mr. MUSEUX (France) and Mr. ZEMENTNER (Federal Republic of Germany) supported that request.

19. The CHAIRMAN agreed on the importance of the Repertory and the Repertoire for Member States and said he believed that efforts to ascertain, through the Secretariat, the current status of the two publications would meet with the concurrence of the entire Committee. He accordingly suggested that the Committee should endorse the United States representative's request.

20. It was so decided.

The meeting rose at 11.50 a.m.